

**AMENDMENT TO RULES COMM. PRINT 117-54**  
**OFFERED BY MS. JACOBS OF CALIFORNIA**

At the appropriate place in subtitle B of title XIII,  
insert the following:

1 **SEC. \_\_\_\_ . REPORTING ON UNITED STATES SUPPORT OF SE-**  
2 **CURITY AND MILITARY PARTNERS.**

3 (a) IN GENERAL.—Not later than 180 days after the  
4 date of the enactment of this Act, and annually thereafter,  
5 the Secretary of Defense and Secretary of State shall  
6 jointly submit to the appropriate committees of Congress  
7 a report that includes—

8 (1) a description of all transfers of logistics  
9 support, supplies, defense articles and services au-  
10 thorized under sections 2341 and 2342 of title 10,  
11 United States Code, or any other applicable provi-  
12 sion of law;

13 (2) a description of all security assistance, as  
14 such term is defined for purposes of section 520B of  
15 the Foreign Assistance Act of 1961 (22 U.S.C.  
16 2304), authorized under the Arms Export Control  
17 Act (22 U.S.C. 2751 et seq.) or part II of the For-  
18 eign Assistance Act (22 U.S.C. 2301 et seq.) at the  
19 program level;

1           (3) a description of support provided to foreign  
2 forces, irregular forces, groups, or individuals under  
3 section 127e of title 10, United States Code, and  
4 section 1202 of the National Defense Authorization  
5 Act for Fiscal Year 2018;

6           (4) a description of any conditionalities pro-  
7 vided to recipients of the support and assistance de-  
8 scribed pursuant to paragraphs (1) and (2) per-  
9 taining to international human rights law and inter-  
10 national humanitarian law; and

11           (5) a detailed description of human rights and  
12 international humanitarian law components of  
13 trainings, if applicable.

14           (b) UPDATE WITH RESPECT TO THE DEPARTMENT  
15 OF DEFENSE.—Not later than 180 days after the date  
16 of the submission of the report required by subsection (a),  
17 and annually thereafter, the Secretary of Defense, in con-  
18 sultation with the Secretary of State, shall submit to the  
19 appropriate committees of Congress a report that includes  
20 the following:

21           (1) An analysis of civilian harm in areas where  
22 a party to conflict received support or assistance de-  
23 scribed in the report required by such subsection (a)  
24 from the United States, including an estimated  
25 range of civilian casualties, disaggregated by age

1 and gender, damage or destruction to civilian ob-  
2 jects, and the resulting impact on civilian life.

3 (2) A description of current training and advi-  
4 sory efforts to improve the capability of recipients to  
5 prevent, minimize, mitigate, and respond to civilian  
6 casualties and other harm to civilians and civilian  
7 objects in compliance with the laws of armed con-  
8 flict, to include the principles of military necessity,  
9 proportionality, and distinction.

10 (3) An assessment of the capacity, will, and  
11 policies and practices of recipients for preventing,  
12 mitigating, and responding to civilian harm, includ-  
13 ing civilian harm tracking, investigations, and ac-  
14 countability processes and any gaps or weaknesses.

15 (4) A description of the recipients' efforts to en-  
16 sure that humanitarian assistance is delivered in line  
17 with internationally recognized humanitarian prin-  
18 ciples, and any attempts by security partners to dis-  
19 rupt or impede humanitarian access.

20 (5) Recommendations on how to address civil-  
21 ian harm as well as any risks or gaps identified pur-  
22 suant to the elements described in paragraphs (1)  
23 through (4), including specific strategies and pro-  
24 grams to mitigate such risks and identifiable steps

1 the recipient should take to make corrective meas-  
2 ures to redress civilian harm.

3 (c) UPDATE WITH RESPECT TO THE DEPARTMENT  
4 OF STATE.—Not later than 180 days after the date of the  
5 submission of the report required by subsection (a), and  
6 annually thereafter, the Secretary of State, in consultation  
7 with the Secretary of Defense, shall submit a report to  
8 the appropriate congressional committees that includes the  
9 following:

10 (1) A summary of reports of gross violations of  
11 human rights and violations of international human-  
12 itarian law committed against civilians in conflicts  
13 and situations of armed violence where parties re-  
14 ceive support or assistance described in the report  
15 required by such subsection (a) from the United  
16 States, including —

17 (A) attacks upon civilian populations, in-  
18 cluding humanitarian aid workers;

19 (B) attacks on civilian infrastructure that  
20 may have violated international humanitarian  
21 law;

22 (C) sexual or gender-based violence;

23 (D) looting of food stores, destruction of  
24 crops, and other acts that lead to food insecu-  
25 rity, starvation, or famine;

1           (E) denial of humanitarian access, includ-  
2           ing besieging civilian populations by blocking  
3           food, fuel, cash, humanitarian aid, and other  
4           goods and services indispensable to human sur-  
5           vival; and

6           (F) military use and recruitment of chil-  
7           dren;

8           (2) An update on additional and exacerbated  
9           humanitarian needs brought about by gross viola-  
10          tions of human rights and violations of international  
11          humanitarian law.

12          (3) An update on any potential mechanisms to  
13          investigate, charge, and prosecute alleged perpetra-  
14          tors of gross violations of human rights and viola-  
15          tions of international humanitarian law.

16          (4) An analysis of whether the gross violations  
17          of human rights and international humanitarian law  
18          summarized pursuant to paragraph (1) amount to  
19          war crimes, crimes against humanity, ethnic cleans-  
20          ing, or genocide.

21          (5) An identification of specific cases in which  
22          members of the foreign forces who received United  
23          States military support have been charged and pros-  
24          ecuted for actions that constitute gross violations of

1 human rights and international humanitarian law  
2 perpetrated in that timeframe.

3 (6) Recommendations on remedial actions that  
4 recipients of such assistance should make to address  
5 such violations and conditionalities that parties al-  
6 leged to have committed such violations should meet  
7 in order to continue receiving such assistance.

8 (d) SOURCES.—In preparing the reports required by  
9 this section, the Secretary of Defense and Secretary of  
10 State shall take into account relevant and credible all-  
11 source reporting, including information from public re-  
12 ports and nongovernmental sources.

13 (e) FORM.—Each report required by this section shall  
14 be submitted in unclassified form, but may include a clas-  
15 sified annex. The unclassified portions of each such report  
16 shall be made available to the public concurrently with the  
17 submission to Congress.

18 (f) DEFINITIONS.—In this section—

19 (1) the term “civilian harm” means civilian in-  
20 jury, death, damage to civilian objects, and any  
21 other harms caused as a result of the use of force;  
22 and

23 (2) the term “appropriate committees of Con-  
24 gress” means—

1                   (A) the Committee on Foreign Affairs, the  
2                   Committee on Armed Services, and the Com-  
3                   mittee on Appropriations of the House of Rep-  
4                   resentatives; and

5                   (B) the Committee on Foreign Relations,  
6                   the Committee on Armed Services, and the  
7                   Committee on Appropriations of the Senate.

